

# PATENT COOPERATION TREATY

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

AWT/SAN

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NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

12.01.2004

Applicant's or agent's file reference  
CROM002 PCT

## IMPORTANT NOTIFICATION

International application No.  
PCT/GB 03/01060

International filing date (day/month/year)  
13.03.2003

Priority date (day/month/year)  
22.03.2002

Applicant  
TYCO ELECTRONICS UK LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>CROM002 PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. <b>PCT/GB 03/01060</b>	International filing date ( <i>day/month/year</i> ) <b>13.03.2003</b>	Priority date ( <i>day/month/year</i> ) <b>22.03.2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>G01R1/04</b>		
Applicant <b>TYCO ELECTRONICS UK LIMITED et al.</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand  <b>19.05.2003</b>	Date of completion of this report  <b>12.01.2004</b>	
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office              D-80298 Munich              Tel. +49 89 2399 - 0 Tx: 523656 epmu d              Fax: +49 89 2399 - 4465           </div> </div>	Authorized Officer  <b>O'Callaghan, D</b>  Telephone No. +49 89 2399-6512	



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/01060

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-20 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/01060

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1,6,10
	No: Claims	
Inventive step (IS)	Yes: Claims	1
	No: Claims	6,10
Industrial applicability (IA)	Yes: Claims	1,6,10
	No: Claims	

2. Citations and explanations

**see separate sheet**

1 Citations:

D1: WO 00 08901 A  
D2: DE 91 09 176 U  
D3: US-A-4 121 147

2 Independent claim 1 is considered as new and inventive within the meaning of Articles 33(2) and 33(3) PCT for the following reasons:

- 2.1 Document D1 (cf. Abstract, Fig. 1), which is considered relevant discloses a modular housing (11) suitable for enclosing an electrical meter or metering type instrument; the said housing being adapted for housing one of a plurality of modular type electrical meter or metering instruments (page 8, lines 15-18) including instruments with or without a readable display(12a), the housing comprising at least one open end for receiving one of said instruments within the housing and connection means for connection with an end closure member (13)
- 2.2 The subject-matter of claim 1 differs from the arrangement of D1 in that the connection means are arranged to connect to an interchangeable end closure member which in a first configuration, comprises a transparent display panel for a readable display, and in a second configuration, a mounting plate for mounting the said instrument with respect to a surface or a connector rail.
- 2.3 Therefore the subject-matter of claim 1 is considered as new (article 33(2) PCT and Rule 64.1 PCT).
- 2.4 With this arrangement the subject-matter of claim 1 provides a modular housing with improved flexibility.
- 2.5 Modifying D1 as to arrive at the subject-matter claimed was not obvious because adapting the connection means of the housing for connection with an interchangeable end closure member is neither disclosed in any document cited in the International Search Report, nor is there any indication therefor.
- 2.6 Since claims 2-5 respectively depend on claim 1 in the sense of Rule 6.4(a) PCT, their subject-matter is considered as new and inventive within the meaning of

Articles 33(2) and 33(3) PCT, too.

- 2.7 The respective subject-matter of claims 6 and 10 is not considered as involving an inventive step as required by Article 33(3) PCT for the following reasons:
- 2.8 In the context of claim 6, it is unclear (Article 6 PCT) what an 'interchangeable' closure member is, since only one configuration is defined. Therefore, the term 'interchangeable' is confusing and is taken to mean 'removable' in the ensuing analysis.
- 2.9 Claim 6: this claim is related to the second variant of claim 1, in that the closure member, which can be removed, is provided with means for connection with an open end of the housing and means for mounting to a surface.
- 2.10 In the present context, the above combination of features is regarded as a normal design option which the skilled person would consider, in accordance with circumstances, without the exercise of inventive skill (cf. e.g D3, Figs. 1, 2; col. 5, lines 6-8 and 19-25).
- 2.11 Claim 10: this claim relates to the actual closure/mounting member defined in claim 6 and is related to the second variant of claim 1. As is the case for claim 6, the features of claim 10 are considered to involve normal design considerations which the skilled person would consider, in accordance with circumstances, without the exercise of inventive skill (also cf. e.g D3, Figs. 1, 2; col. 5, lines 6-8 and 19-25).
- 2.12 Thus, the respective subject-matter of claims 6 and 10 does not involve an inventive step as required by Article 33(3) PCT.
- 2.13 Respective dependent claims 7-9 and 11-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, since the herein defined additional features are either disclosed in D1-D3 or come within the scope of customary practice followed by the skilled person.
- 2.14 The subject-matter of claims 1 to 20 meets the requirements of Article 33(4) PCT with respect to industrial applicability (see also the PCT Guidelines IV, 4.1).

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/<APPL>

2.15 Claims 18-20 contain references to the description and/or the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.